

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YURI STAROSTENKO and IRINA
TSAREVA,

Plaintiffs,

- v. -

UBS AG BANK,

Defendant.

19 Civ. 9993 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, District Judge:

Plaintiffs Yuri Starostenko and Irina Tsareva, appearing *pro se*, bring this action pursuant to the Court's federal question and diversity jurisdiction, 28 U.S.C. §§ 1331 and 1332. By Order dated November 8, 2019, the Court granted Plaintiffs' request to proceed without prepayment of fees, that is, *in forma pauperis*.

Because Plaintiffs have been granted permission to proceed IFP, they are entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process ... in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). On November 25, 2019, the Court ordered the Clerk of Court to mail Plaintiffs a U.S. Marshals Service Process Receipt and Return form (USM-285 form). (Dkt. #10). The Court stated that if Plaintiffs wished to have the U.S. Marshals serve process on their behalf, they should complete the form, provide Defendant's New York address,

and return the form to the Pro Se Intake Unit of the Court. (*Id.*). The Court stated that upon its receipt, the Clerk of Court should issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant in New York. (*Id.*).

On December 30, 2019, Plaintiffs returned the USM-285 form to the Court indicating that the Marshals should serve Defendant at the following address: Cede & Co. (DTC), 55 Water St., Ste Conc4, New York, NY 10041. (Dkt. #15). The Marshals subsequently served the summons and complaint in this action on the address provided by Plaintiffs. (Dkt. #18). On January 28, 2020, Plaintiffs received an email from a representative of Cede & Co. stating that it had received a copy of the summons and complaint in this action but explaining that it is not an agent of UBS AG and is not authorized to accept service on its behalf. (*Id.*).

Accordingly, on February 20, 2020, the Court received a letter from Plaintiffs indicating that they have not yet been able to serve Defendant and asking for an extension of time to complete service. (Dkt. #18). Plaintiffs' request is GRANTED.

Further, to allow Plaintiff to effect service on Defendant UBS AG through the U.S. Marshals Service, the Clerk of Court is instructed to fill out two USM-285 forms for UBS AG. The first one should be filled out using the potential service address provided by Plaintiffs in their January 30, 2020 letter (Dkt. #18):

UBS AG New Branch
Attn: Director Jennifer Sator
787 Seventh Avenue, 14th Floor,
New York, NY 10019

The second one should be filled out with the following address:

David Kelly, Managing Director UBS AG
600 Washington Boulevard
Stamford, Connecticut 06901

The Clerk of Court should also deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant at these two addresses.

Plaintiffs should notify the Court, in writing, with respect to whether they have an additional address in the United States at which the Defendant can be served.

CONCLUSION

The Clerk of Court is directed to fill out the two USM-285 forms for UBS AG with the addresses listed above and to deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant at these two addresses.

SO ORDERED.

Dated: February 21, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge

A copy of this Order was mailed by Chambers to:

Yuri Starostenko
11 East Street & Bay Street
P.O. Box SS-5800
Nassau
Bahamas

A copy of this Order was mailed by Chambers to:

Irina Tsareva
c/o Priderock Corporation Center
P.O. Box N-4816
Nassau
Bahamas